

Court No. - 50

Case :- WRIT - B No. - 1092 of 2025

Petitioner :- Onkar Nath Alias Lallan And Another

Respondent :- Additional District Magistrate (Land - Finance)/ Deputy Director Of Consolidation And 13 Others

Counsel for Petitioner :- Raza Abbas, Syed Ali Murtaza

Counsel for Respondent :- C.S.C., Rashid Ali

Hon'ble Chandra Kumar Rai, J.

1. Vakalatnama filed by Mr. A.P. Tiwari, Advocate on behalf of respondent no.2/5 is taken on record.

2. Heard Mr. Dharmpal Singh, learned Senior Advocate assisted by Mr. Ali Murtaza, learned counsel for the petitioners, Mr. A.P. Tiwari, learned counsel for respondent no.2/5, Mr. Rashid Ali & Mr. Pradeep Kumar Singh, learned counsel for private respondent nos.2/1 to 2/6 & 3 to 8 and learned Standing Counsel for the State-respondents.

3. Learned Senior Counsel for the petitioners submitted that highly time barred title appeal filed by private respondents was dismissed on the ground of limitation. He further submitted that the revision filed by private respondents has been allowed in illegal and arbitrary manner granting benefit of Section 5 of Limitation Act setting aside appellate order as well as the order passed by the Assistant Consolidation Officer. He further submitted that exercise of revisional jurisdiction is wholly illegal as there was inordinate delay in filing the appeal i.e. about 47 years. He further submitted that during first consolidation operation, the petitioners were recorded over the plot in question, as such, the exercise of revisional jurisdiction is wholly illegal.

4. On the other hand, Mr. A.P. Tiwari, learned counsel for the private respondents submitted that the order passed by the Assistant Consolidation Officer was without jurisdiction, as such, there was no illegality in the exercise of revisional jurisdiction by the Deputy Director of Consolidation. He further submitted that in the inquiry, it has been found that the case in which the order was passed by the Assistant Consolidation Officer was not registered in the goswara, as such, the revision was decided in proper manner granting benefit of Section 5 of Limitation Act.

5. Matter requires consideration as to whether the delay of 47 years in filing the title appeal can be condoned by the Deputy Director of Consolidation while exercising the jurisdiction under Section 48 of U.P. Consolidation of Holdings Act, 1953 as well as the order passed by the Assistant Consolidation Officer can be set aside in revisional exercise of jurisdiction.

6. Respondent nos.2/1 to 2/6 & 3 to 8 shall file counter affidavit within six weeks.

7. Petitioners shall file rejoinder affidavit within two weeks thereafter.

8. List this case in the additional cause list on 14.7.2025 showing the name of Mr. A.P. Tiwari, Advocate as learned counsel for respondent no.2/5.

9. Until further orders of this Court, the effect and operation of the impugned revisional order dated 22.2.2025 passed by respondent no.1/ Deputy Director of Consolidation, Mirzapur shall remain stayed and parties are directed to maintain status quo with respect to nature and possession of the plot in dispute.

Order Date :- 10.4.2025

Rameez